GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3954
ANSWERED ON:17.08.2000
APPOINTMENT OF NOTARY PUBLIC
MOHAMMED SHAHABUDDIN;RASA SINGH RAWAT

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the criteria adopted for appointing a Notary Public and the period for which he is appointed.,

(b) the number of new notaries appointed in the last one year, state-wise;

(c) the number of applications for notary public still pending for approval at present; and

(d) the steps taken by the Government for early disposal of pending applications.

Answer

MINISTER OF STATE OF THE MINISTRY OF INFORMATION BROADCASTING (INDEPENDENT CHARGE) AND THE MINISTER OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (INDEPENDENT CHARGE) (SHRI ARUN JAITELY)

(a) The criteria for appointing a Notary Public and the period for which he is appointed are laid down under the Notaries Act, 1952 and the Notary Rules, 1956. Under Section 3 of the said Act, the Central Government as well as the State Governments are empowered to appoint Notaries. The Central Government has power to appoint Notaries for the whole or any part of India, whereas a State Government is empowered to appoint Notaries for whole or any part of the State concerned.

Under Rule 3 of the Notaries Rules, a person from amongst legalpractitioners may apply for appointment as a notary if he has been practising as such for 10 years. In case the applicant for notaryship is a person belonging either to the Scheduled Castes, Scheduled Tribes and Other Backward Classes or a woman, then the condition for eligibility for appointment as a notary is 7 years of legal practice. A person is also eligible for appointment as a notary if he has been a member of Indian Legal Service under the Central Government; or if he has been for ten years, a member of Judicial Service; or held an office under the Central Government or State Government requiring special knowledge of law after enrolment as an Advocate; or held an office in the Department of Judge Advocate General or in the legal department of the Armed Forces. The eligible persons may apply for appointment as notary on a prescribed form i.e.; Memorial, which has to be countersigned by a Magistrate, a Bank Manager, a Merchant andtwo prominent local residents. The Competent Authority appointed by the Central Government thereafter examines the Memorial and calls for comments/objections from the State Bar Council where the memorialist is enrolled as an advocate.The applicant also requested to submit an affidavit deposing that he is neither a notary already appointed by any State Government nor his application for appointment an notary is pending with the concerned State Government. After considering the objections and the various facts mentioined in Rule 7 of Notaries Rules, a decision to recommend appointment or rejection of the applicant is taken by the Competent Authority.

On the basis of recommendations of the Competent Authority a decision is taken by the Central Government to appoint or not to appoint the applicant as notary. A letter is then issued to the applicant recommended for appointment to deposit a demand draft of Rs.1,000/- as fee for appointment of notary whereafter a Certificate of Practice as Notary for a period of 5 years is issued to the applicant.

(b) The number of new notaries appointed in the last one year, State-wise - from January, 1999 to December, 1999 is 159 . State-wise list is as follows:-

STATE	NO. OF NOTARIES APPOINTED
Haryana	14
Uttar Pradesh	59
Punjab	28
Delhi	21
Karnataka	09
Maharashtra	08
Gujarat	08
Rajasthan	06
Andhra Pradesh	01
Chandigarh	05

(c) The number of applications for notary public still pending for consideration is 1350.

(d) The steps taken for early disposal of pending applications include
(i) creation of a separate `Notary Cell`
(ii) Dispensing with holding of interviews of the applications for notaryship.